App. F. IX-4

Previous References.
Mung 413-41.1-4.
" 108-41.1&3.
" 261.40.1-8.
" 83-39.1.12
" Dep 14 of 41.

Later References.
Mung 41.44.4-7.

1944.
(Mung)

File No. 41-44.
Serial Nos. 1-3.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Three

Part B for September 1944.

SUBJECT

Review petition of T. D. Aswatha-narayan regarding the management of Narasappa's Choultry at Dabspet Nelangala Taluk.

No R. 1299 dated 6. 9. 1944.

To T. D. Aswathanarayan,
Sole manager, Clerk Narasappa Chattram, Dabspet.

Informs that Government see no reason to reconsider the matter and that therefore his petition is rejected

Bowda

Review petition of T.D. Ashwathanaranaiah regarding the management of Narasappa's Choultry at Dobspet.

Continuation Sheet. Muz File No. 41 ~~Current No.~~ 476/R of 1944-45 Page. 1

[1] Petition dated the 3rd August 1944 from T.D. Ashwathanarayan, of Dobspet, Nelamangala Taluk praying that

(i) incestimate for effecting urgent works to the Chattram at Dobspet may be sanctioned, and the work entrusted to him for executi

(ii) a reasonable period of time may be granted to enable him to set right the matters relating to the institution and

(iii) the institution and the lands belonging to it may be left in his possession as before.

Mr S Krishnappa Advocate for petitioner

1) Submitted with the connected previous papers of this office

2) The facts of the case are set forth in detail in the report of the S.D.O., Dodballapur Sub-Division, (No. A2-910/40-41, dated the 26th November 1943) which is for perusal. Both the D.C., Bangalore District and the M.C. having recommended that as the institution was grossly mismanaged it might be assumed with its lands, under Govt management, sanction was accorded to their proposal under Section 18 of the M.R.C.I. Act, in G.O. No. R. 428/Muzrai. 413-41-8, dated the 24th July 1944

3) The petitioner ~~was~~ given many opportunities to set right the affairs of the Choultry, but he has never been sincere ~~about~~ regard to his duties. His agitation to obtain the sole management of the institution and its prop has been for his personal benefit. All the aspects of the case have been thoroughly examined by the local officers and their proposal to assume the building and the inam lands has been accepted by Govt. There seems to be no reason to reconsider the orders already issued. The petition may perhaps be rejected

4) As to whether the party is to be heard before passing orders is for consideration.

1300 / 17/8

WD 06260—GPB—500 pads of 100 sheets each—20-3-42

(5) 16/8

Review petition of T.D. Ashwathanaraniah regarding the management of Narasappa's Choultry at Dobspet
476/R. J 931/R.

Mukrai File No. 41 --- — — 1944-45

(5) If the Muz officer finally decides to take the institution under Govt management the petitioner has his remedy by way of a suit in the Civil Court. The petition may be rejected

OFFICE OF THE MINISTER REVENUE & LAW
18 AUG 1944
No 1178

(7)

(8) Draft Subd.

(9) Issue for notice

Petition dated 31.8.44 from the same party praying for early orders. [2]

Issued No. R. 1299, dated the 6th September 1944 [3]

To - T.D. Ashwathanarayanarao, C/o. Mr S. Krishnappa Advocate, Avenue Road, Bangalore city

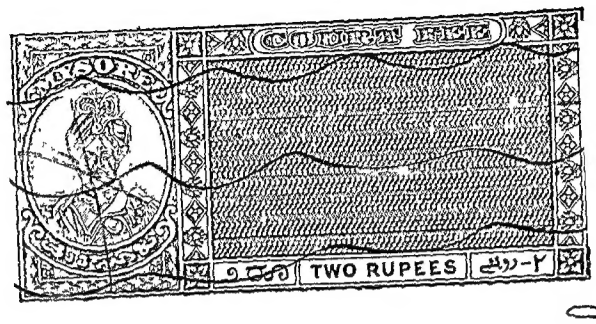
Informs that Govt see no reason to reconsider the matter and that therefore his petition is rejected

Memo No. R. 1300, of even date, to the M.S.

Forwards a copy of the above for his information

B. Record
6.9.44

R476



41.44.1.

Before the Government of His Highness the Maharaja of Mysore.

Revision Petition
Muzrai Appeal No. 1 of 44-45.

Petitioner:-

T.D.Aswathanarayan, Sole Manager,
Clerk Narasappa Chatram, Sompur Hobli,
Dobbsped Nelamangala Taluk.

The petitioner begs to state as follows:-

1. He understands that Government Orders have been solicited to take over under the Government management under Section 18 of the Religious and Charatible Endowments Act, the above mentioned Clerke Narasappa's Chattram, at Dobspet, Nelamangala Taluk and the inam lands endowed to it by the Benign Government in the adjoining villages of Nijagal, Hale Nijagal Sompur and Kengal.

II In this connection he begs leave to bring the following facts among others for the consideration of Government.

(1) The said chatram was constructed by his ancestor, about 100 years ago, Clerke Narasappa at his own cost without any Government aid or subsidy and in token thereof it is called even to this day as Clarke Narasappa's Chattram. ~~Its~~ The cost of constructing it would at present be more than Rs.30,000/-. Its walls are all stone built and its roofing is of stone slabs covered with mortar concrete and resting on strong stone pillars. It consists of two large halls, ten medium sized rooms, a large kitchen with two rooms

P.T.O.

attached to it, with varandah all round. It can accommodate more than 200 people at a time and innumerable marriages are performed therein every year. It has also an extensive stone built compound wherein more than 200 carts with bullocks can stop in the compound at the same time.

(2) This chatram is on the Salem-Bellary Road (Now in the State Road of Bangalore-Tumkur Town). Beyond it the road branches off to sacred places of Sivaganga, Devarayan Durga and to towns of Tumkur and Koratagere and other places. Such a chatram in that particular place was in great need and his ancestor said Clarke Narasappa constructed this chatram at his own cost as stated above, and on his own land as a rest house for the travelling public, besides sinking a fresh water stone revetted well to supply drinking water. He also submits that the people at Dobspet also used for drinking, the water from this well.

(3) The Benign Government after the construction of this chatram endowed inam lands in the four said villages for the maintenance of this chatram and he submits, also for the support of the Manager.

(4) Thus it is clear that the entire property of the chatram with the shop rooms attached to it are the personal property of his ancestor which right he has inherited and that the Government have no manner of right or control over the chatram. He submits that none of his ancestors nor he has ever handed over the chatram to Government. So it remains the personal property of the petitioner. This point has not been taken into consideration by the Subordinate Muzrai Officers.

III. (1) The inam lands were at the time of the grant or endowment ~~were~~ baren waste lands, full of pits, with hallows formed ~~with~~ by storm water, and over grown with thorny shurbs and plants. His ancestors spent enormous amount both in money and labour to fill up the pits, levelling the lands, for blasting and removing stones, cutting down and removing thorny bushes and plants. These parts are thinly populated ~~with~~ without ryot-abad and his ancestors imported cultivating tenants and labourers from distant places and caused them to settle there by affording them all the costly facilities and money and by constructing houses for their dwelling.

(2) The petitioner took over the management in the year 1908 and since then he has been toiling to fertilise these lands and to bring them ~~to~~ under cultivation. He has spent the prime of his life in so doing and in his present old age he has no other calling or occupation to support him and his family.

(3) His grand father Doddaramappa has constructed a tank for the irrigation of inam lands at Nijagal and 60 acres are being fed by this tank water for wet cultivation. Even about 30 acres of Government land in the occupancy of others are irrigated by the water from this tank and in fact the survey records show that this tank water was the source. The cost of construction of this tank at present would be more than Rs.30,000/-.

(4) The Government and the Muzrai Officers concerned have from time to time given orders or endorsements to this petitioner and his ancestors to bring the inam lands under cultivation at their own cost and to

raise such crops as the Managers think fit. Thus the Government have in fact recognised the right of his family to the inam lands and encouraged them to invest enormous amounts.

IV. (1) During the last several years the orders or directions issued to the petitioner by the Muzrai Officers concerned were only to effect petty repairs and white washing to the chatram. Distinguished visitors from all parts have stayed in the chatram from the beginning and in the Visitors Book many of them have expressed their complete satisfaction about the management and the conveniences afforded by the petitioner Manager.

(2) The vessels, lanterns and other materials kept in the chatram for affording conveniences to the travellers who stay there have always been purchased by the petitioner and his ancestors at their own cost, and without any Government subsidy.

(3) Neither the visiting public nor the neighbouring villages have ever complained of the mismanagement of the chatram and its affairs. This important fact was urged before the Sub Division Officer who held the enquiry. But it has not been taken into consideration by any of the Muzrai Officers.

V. (1) It is only from the year 1938 that troubles arose consequent upon the order of the Deputy Commissioner permitting the petitioner's joint management with his son T.A.Rama Rao, by his deceased first wife, who was then unemployed and as an experimental temporary measure. Since the petitioner has married a 2nd wife and has another son and daughters by her the said Rama Rao schemed to deprive the petitioner of the management and in fact he was successful in obtaining an ex parte order from the then Deputy Commissioner appointing him sole manager to the

exclusion of the petitioner. Subsequently though this order was cancelled in Appeal the said Rama Rao created confusion, brought about choas, did away with the cultivating vessels of the chatram, ~~xxxx~~ colluded with the/tenants of the inam lands and set them up to claim interest in the inam lands and instigated them to refuse to deliver the produce from the inam lands. He consumated his melicious manouevres by foisting up several civil and criminal cases against the petitioner who is now 62 years old. ~~In fact he followed the Royal Prince Aurangzeb~~ In the enquiry held by the Sub Division Officer he has examined himself and his followers against the petitioner, a procedure which the petitioner submits was irregular.

(2) On the continued representation of the petitioner the learned Muzrai Commissioner ordered in his Order No. P.C.309 of 40-41 dated 5-8-1941 that the petitioner should be the sole manager from 26-12-1940. But a half share of the produces of inam lands ~~of this~~ during the year 1941 was ordered to be delivered over ~~to~~ said Rama Rao.

(3) The learned Muzrai Commissioner in his order No.309 of 40-41 dated 13-9-1941 has directed the Deputy Commissioner to make an estimate for effecting the urgent repairs to the chatram within the avaiable amount which is in deposit having been contributed by the petitioner and also to give the work to the petitioner. But he submits that in spite of several representations and also in spite of the Taluk Amildar having prepared and forwarded the estimate, the Sub Division Officer, never sent it to the Deputy Commissioner thereby handicaping and preventing the petitioner from carrying out urgent works to the chatram.

(4) It is to be regretted that the same Sub Division Officer has reported that the petitioner has failed to

carry out the urgent repairs to the chatram as a ground for recommending to take over the management under Government control.

VI. He begs leave to submit the following facts regarding the enquiry:-

(1) The Sub Division Officer Mr.B.T.Kempanna, commenced the enquiry and examined all the witnesses. In fact he was expressing during the enquiry that estimates for effecting urgent works for the chartam within the available amount as ordered by the Muzrai Commissioner would be sanctioned and the work~~ing~~ entrusted to the petitioner, and an opportunity be thus given to the petitioner to set the matters right. But unfortunately he passed no orders for a considerable time after all the witnesses were examined and he was transferred.

(2) His Successor Mr.Mallesiah posted the case for argumentsin April 1943 in which month the arguments were addressed. But he has made his report eight months thereafter. The petitioner submits that during this long interval of eight months and during these days of considerable pressure of work due to food situation the learned Sub Division Officer probably forgot the arguments addressed on behalf of the petitioner and he has absolutely no reference to them.

(3) He has forgotten that he and his predecessor have failed to carry out the orders of the Muzrai Commissioner of 13-9-1941 mentioned above directing the estimate for urgent work within the available amount being sanctioned and work entrusted to petitioner. This omission was repeatedly brought to his notice both orally and in writing. But he never forwarded the estimate to the Deputy Commissioner for sanction.

As represented by the petitioner and his Advocate he could have sent to the Deputy Commissioner the estimate and after it was sanctioned and the petitioner effected the repairs he could have visited the chatram when he could have had no occasion to make the strictures against the petitioner in his reports particularly as there is a long interval of 8 months between the hearing of the arguments and sending up the report.

(4) The petitioner has been kept in ignorance of the decision arrived at by the Sub Division Officer and embodied in his report. Further the petitioner made applications both before the Deputy Commissioner and the Muzrai Commissioner as the records were received in their offices praying to grant an opportunity to the petitioner to address arguments himself or through an Advocate thereby to bring to their consideration the above facts and omissions and also his own version of the case. But again he was not given any opportunity. This the procedure has been throughout exparte without granting an opportunity to the petitioner to state his case.

VII. (1) It would be miscarriage of justice to order the management of chatram being taken over under Government control under section 18 of the act ~~as stated above.~~ As stated above the chatram and its shop rooms have been constructed by his ancestors at their own cost and on their own land without any aid or subsidy from Government. The petitioner and his ancestors have been in possession and management of the chatram and the shop rooms for the last 100 years in their own right and not on behalf of the Government. Thus the chatram and the shop rooms are their personal property over which the Government have no control.

(2) It is only the inam lands which are the Government

endowments, which are being managed by the petitioner and his ancestors on behalf of the Government and they are liable to be taken over under Government management at their discretion.

(3) In these circumstances the management of the inam lands without the chatram would be anomalous and the usual procedure adopted by our Benign Government under similar circumstances, the petitioner submits, is to cancel the inam tenure, levy full assessment and grant them to the petitioner, in consideration of these lands being in his family possession for over ~~a genera-tion~~ hundred years.

Wherefore he prays that the Benign Government may be graciously pleased to order that the estimate for effecting urgent works within the available amount be sanctioned immediately and the work entrusted to the petitioner as ordered by the learned Muzrai Commissioner as ordered in his No.P.C.309 of 40-41 dated [redacted] 13-9-1941

(2) To give an opportunity to him to set ~~rig~~ the matters right within a reasonable period after the estimate is sanctioned and work entrusted to him.

(3) To consider the above facts urged by him and also in view of his being 62 years old and in his having spent all his life for improving inam lands and to issue orders not to interfere with his possession and management of the chatram which are his personal property and which have never been handed over to Government at any time.

S. Krishnappa
Advocate for Petitioner.

T.S. Ashwathanarayan.
Petitioner.

Bangalore,
3-8-44

21-7-1944

Enclosures 3.

Order No.D.1.Dis. 312/40-41 dated 26-12-1940

This office order in appeal No.16 of 38-39 dated 18-7-1939 which is confirmed in G.O.No.1886/Muz.83-39-2 dated 2-3-40 set aside the order of the Deputy Commissioner dated 26-10-38 appointing Mr.T.A.Rama Rao as the sole manager and restored the joint managership of the petitioner Mr.T.D.Aswathanarayana Rao along with Mr.T.A.Rama Rao as previously ordered by the Deputy Commissioner on 29-7-1937. This order of the Deputy Commissioner dated 29-7-1937 was passed tentatively for a period of three years and it ceased on 29-7-40. The management should therefore vest with the petitioner Mr.T.D.Aswathanarayana Rao from 29-7-40, who was the sole manager prior to the order of the Deputy Commissioner dated 29-7-1937.

2. The Deputy Commissioner is requested to issue necessary instructions to the local officers accordingly.

Sd. S. Abdul Wajid,

Muzrai Commissioner.

"True Copy"

No.r.J.309/40-41

Office of the Muzrai
Commissioner in Mysore.
Bangalore, Dated 5th August 1941

Endorsement.

With reference to his petition dated 22-7-1941 requesting for reasons stated therein that this Office Order No.D.1.Dis.312/40-41 dated 26-12-1940 appointing him as the sole Manager might be given effect to and that the enquiry ordered might be held over and reasonable time given to him to set right the affairs, etc. Mr.T.D.Aswathanarayana Rao, Narasiah's Palyam, Nelamangala Taluk(Through Mr.S.Krishnappa, B.A., LL.B., Advocate, Balepet, Bangalore City) is informed that the holding of the enquiry cannot be stayed. He may explain the points brought to notice in his petition at the time of enquiry by the local officers. Pending enquiry and further orders, he is however permitted to continue as the Sole Manager as directed in this Office Order dated 26-12-1940 referred to above.

Sd. M.N.Anandalwar,
For Muzrai Commissioner.

T.D.Aswathanarayan

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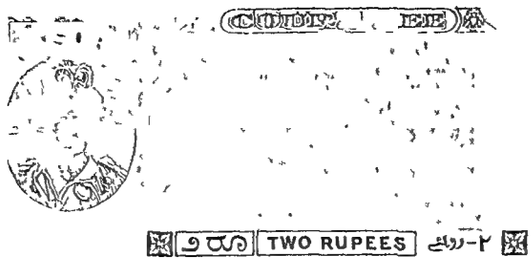
೨ ರೂ TWO RUPEES ೨೫-೨



ಬೆಂಗಳೂರು Before the Government of His Highness the Maharaja of Mysore ಕೋರ್ಟಿಗೆ.

1944-45 ನೇ Mirzan Appeal ನಂಬರು

ವಾದಿ ಯಾ ಅರ್ಜಿದಾರ್		ಪ್ರತಿವಾದಿ ಯಾ ಅಪೋನೆಂಟ್
Petitioner		
T. D. Sewathanarayan	Vs	

ಹೈಕೋರ್ಟು ಅಡ್ವೋಕೇಟ್ ಮ॥ ರಾ॥ ಎಸ್. ಕೃಷ್ಣಪ್ಪನವರಿಗೆ

I the petitioner abovenamed ಬರಸಿಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮಾ

ಈ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಖೈರುವರಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ಜರಿಗಿಸುವುದಕ್ಕೂ, ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರೀಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, ರಾಜಿ ವಗೈರೆ ಫೈಸಲ್ಮಾಡಿಸತಕ್ಕ ಬಗ್ಯೂ, ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗು, ಶಿಲ್ಕು ಮೊಬಲಗು ರೀಫಂಡು ಸ್ಟಾಂಪು ಮೊಬಲಗು, ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸುಪಡಿಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ. ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ಈ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇದೇನೆ.

T. D. Sewathanarayan
Petitioner

ಈ ಮೊಖ್ತಾರುನಾಮೆ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ.

ಈ ಮೊಖ್ತಾರುನಾಮೆ ಅಂಗೀಕರಿಸಿದೇನೆ.

S. Krishnappa

Advocate for Petitioner

ತಾ॥ 25-2-1944
ಬೆಂಗಳೂರು ಸಿಟಿ.

3-8-44

V. D. Press, B. City.

Section Muzrai

File No 41-44

Series No 3.

No.R. 1299

Encl

Dated the 6th Septr. ~~August~~ 1944

ENDORSEMENT

Granted to Mr T. D. Ashwathanarayan, Dobspet, Nelamangala Taluk
c/o ~~through his Counsel Sri~~ S. Krishnappa, 65 W B A, LL.B., Advocate, Balaypet, Bangalore City AVERD.

Muzrai Review Petition No. 1 of 1944-45.

With reference to his petition dated the 21st July 1944, praying, inter alia, that the institution known as Clerk Narasappa's Choultry at Dobspet (Somapura) in Nelamangala Taluk and its properties be left in his possession and that some time may be granted to him to set right the affairs of the institution, the petitioner is informed that Govt. see no reason to reconsider the matter.

His petition is therefore rejected

By Order.

For Gen. Secy. to Govt

Memo No.R. 1300 Dated the 6th August 1944

Copy up to the M.C. in continuation of this office letter No. 428/Muzrai 413-41-8, dated the 24th July 1944, for information.

By Order,

For Gen. Secy. to Govt.

& REV. SECT.
1944
REVENUE BRANCH.

Mwz. 41-44-2.

Before The Government of Mysore
Bangalore

Petitioner:- T.D. Aswathanarayan,
Sole Manager, Clarke
Narasappa's Chatram, Sampen Hobli,
Doddaspet, Nelamangala Talug.

Rd.
9/8/44

He presented a petition on 3-8-1944 to the General Secretary requesting for reconsideration of the Govt. order No. "R428/Mwz. 413-41-4 dated 24-7-1944, Sanctioning the assumption aforesaid chatram with its inam lands under Govt. Management under Section 18 of the Religious and Charitable Institutions Act. It is very necessary to know what orders have been passed thereon in order to enable him to take such further action as he may be advised by his advocate.

Wherefore he prays that an endorsement may be Kindly ordered to be issued to him immediately as to what orders have been passed on his said petition of 3-8-1944

Bangalore
Dated 31-8-44

T.D. Aswathanarayan
Sole Manager.
Petitioner.

P T.O

476/R √ 931/R.

[illegible] Esq, B H
[illegible]
[illegible] Buildings
[illegible] Road
[illegible] city

Orders have already been passed on the main file rejecting his petition and an endorsement is under issue. No action is called for on this petition. This will be filed with the other papers after the issue of the endorsement to the party

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Page 1-16.